

1 Leeor Neta, *admitted pro hac vice*  
2 *leeor@newmanlaw.com*  
3 Jake Bernstein, WSBA No. 39362  
4 *jake@newmanlaw.com*  
5 Newman Du Wors LLP  
6 2101 Fourth Avenue, Suite 1500  
7 Seattle, WA 98121  
8 Telephone: (206) 274-2800  
9 Attorneys for Plaintiffs

8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF WASHINGTON**

10 RIVER CITY MEDIA, LLC, et al.,  
11 Plaintiffs,  
12 v.  
13 KROMTECH ALLIANCE  
14 CORPORATION, et al.,  
15 Defendants.

Case No. 2:17-cv-00105-SAB

**DECLARATION OF LEEOR NETA  
IN SUPPORT OF PLAINTIFFS'  
PLAINTIFFS' REPLY TO  
DEFENDANTS CXO MEDIA,  
INC.'S RESPONSE TO MOTION  
TO EXTEND AMENDED  
PLEADINGS DEADLINE**

Without Oral Argument  
Date: March 12, 2018  
Spokane, Washington

18  
19  
20 I, Leeor Neta, make the following declaration based upon my own personal  
21 knowledge:

22 1. I am an attorney representing Plaintiffs in this matter. I am over the  
23 age of 18, competent to testify in this action, and make this declaration from  
24 personal knowledge.

25 2. Plaintiffs spend much of September 2017 preparing and serving  
26 objections and responses to Defendant Chris Vickery's first set of discovery.

27 3. On October 6, 2017, Plaintiffs served substantive responses to Defendant  
28 Vickery's first set of discovery.

1           4.    On October 18, 2017, Defendants CXO and IDG served their first set of  
2 discovery on Plaintiffs.

3           5.    On October 30, 2017, Plaintiffs served their first set of discovery on  
4 Defendants CXO and IDG.

5           6.    On November 15, 2017, the parties conferred on dates in accordance  
6 with the October 27, 2017 order.

7           7.    On November 28, 2017, CXO and IDG served its initial responses to  
8 Plaintiffs' first set of interrogatories and requests for production.

9           8.    On December 4, 2017, IDG served amended responses to Plaintiffs' first  
10 set of interrogatories and requests for production.

11          9.    On December 15, 2017, Plaintiffs sent a letter requesting a meet and  
12 confer teleconference regarding CXO's deficient discovery responses.

13          10.   On December 18, 2017, the parties participated in a meet and confer  
14 teleconference regarding CXO's deficient discovery responses and CXO's planned  
15 motion for protective order. *At no time did counsel for CXO indicate that it will not*  
16 *produce documents related to page views for contents other than one article cited*  
17 *in the initial complaint.*

18          11.   On December 21, 2017, Plaintiffs sent a letter requesting a meet and  
19 confer teleconference regarding IDG's deficient discovery responses.

20          12.   Over the next few weeks, *which also include the Christmas and New*  
21 *Year's holidays*, the parties conferred about, negotiated, and conducted the  
22 deposition of Plaintiff Matthew Ferris. Plaintiffs also proceeded with third-party  
23 discovery.

24          13.   On December 28, 2017, counsel for CXO, William Stowe, responded to  
25 an email requesting a response to the December 15 meet and confer letter. In that  
26 email, Mr. Stowe states that "there have been a lot of emails and meet and confers  
27 over this case."

28          14.   On January 4, 2018, Kromtech stated in a letter that it will not produce

1 documents without a protective order.

2 15. Over the next few weeks, the parties briefed the motion for protective  
3 order.

4 16. On February 6-7, 2018, CXO and IDG provided additional discovery  
5 that is still markedly deficient.

6 17. Plaintiffs' requests inquire about CXO's forum-related activities—  
7 including advertising and marketing efforts within Washington, sales to  
8 Washington residents, income derived from Washington residents, and page views  
9 by Washington residents.

10 18. For that reason, Plaintiffs were not overly concerned when CXO made  
11 a generic objection refusing to produce documents or information "relating to  
12 general jurisdiction." That's why Plaintiffs did not earlier move to extend the  
13 amendment deadline.

14 19. If there was any delay, CXO contributed to it by promising for months  
15 to produce discovery related to page views. In fact, it produced some of this  
16 information a few days ago.

17 20. Specifically, CXO provided site-wide page views for U.S. residents,  
18 but not Washington residents—making it very difficult to compare the degree to  
19 which it directed its activities at Washington.

20 //

21 //

21. When Plaintiffs discovered that CXO produced some, but not all of the page view discovery, they immediately tried to negotiate an extension of the deadline to amend so that the parties could work out their dispute. CXO refused.

I declare under penalty of perjury that the foregoing is true and correct.

Executed the 11<sup>th</sup> day of February, 2018 at San Francisco, California.

  
\_\_\_\_\_  
Leeor Neta

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on February 11, 2018, I electronically filed the  
3 foregoing with the Clerk of Court using the CM/ECF system, which will send a  
4 notification of such filing (NEF) to the following:

5 **Attorneys for Defendants International Data Group, Inc., CXO Media, Inc.  
6 and Steve Ragan**

7 Kevin J. Curtis  
8 WINSTON & CASHATT  
9 601 W. Riverside, Ste. 1900  
10 Spokane, WA 99201  
11 *kjc@winstoncashatt.com*

Charles L. Babcock  
William J. Stowe  
Jackson Walker L.L.P.  
1401 McKinney Street, Suite 1900  
Houston, TX 77010  
*cbabcock@jw.com*  
*wstowe@jw.com*

11 **Attorneys for Kromtech Alliance Corp.**

12 Amy McGowan Smith  
13 Matthew D. Brown  
14 Cooley LLP  
15 1355101 California Street, 5<sup>th</sup> Floor  
16 San Francisco, CA 94111  
17 *amsmith@cooley.com*  
18 *brownmd@cooley.com*

Christopher B. Durbin  
Cooley LLP  
1700 Seventh Avenue, Suite 1900  
Seattle, WA 98101  
*cdurbin@cooley.com*

16 **Attorneys for Defendant Chris Vickery**

17 Edward C. Chung, Esq.  
18 Chung, Malhas & Mantel, PLLC  
19 1511 Third Avenue, Suite #1088  
20 Seattle, WA 98101  
21 *Echung@cmmlawfirm.com*  
*Litigation@cmmlawfirm.com*

22 I declare under penalty of perjury that the foregoing is true and correct.

23  
24 s/Rachel Horvitz  
25 Rachel Horvitz  
26  
27  
28